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09/583,166	05/30/2000	Takeo Orui	040373/0284	1217

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FOLEY AND LARDNER  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER

HOM, SHICK C

ART UNIT	PAPER NUMBER
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2666

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DATE MAILED: 09/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/583,166

Applicant(s)

ORUI, TAKEO

Examiner

Shick C Hom

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 5/30/00, 7/8/02, 3/20/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3, 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 2666

**DETAILED ACTION**

***Specification***

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Objections***

2. Claims 2-28 are objected to because of the following informalities: in claims 2-28 line 1, delete "An Internet protocol network" and insert ---The Internet protocol network---. In claim 2 line 14, the words "a link" seem to refer back to "a link" recited in claim 2 line 9. If this is true, it is suggested changing "a link" to ---the link---. In claim 2 lines 16-17, the words "a connection" seem to refer back to "a connection" recited in claim 1 line 5. If this is true, it is suggested changing "a connection" to ---the connection---. In claim 3 line 4, the words "a link" seem to refer back to "a link" recited in claim 2 line 9. If this is true, it is suggested changing "a link" to ---the link---. In claims 5-7 lines 12 and 15, the words "a set value" and "a predetermined set value" seem to refer back to "a predetermined set value" recited in claims 5-7 line 7, respectively. If this is true, it is suggested changing "a set value" and "a predetermined set

Art Unit: 2666

value" to ---the predetermined set value---. In claims 5-7 lines 12-13 delete brackets, i.e. delete "[said call control unit]" and insert ---said call control unit---.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. Claims 1-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 lines 9 and 10, claim 2 lines 7, 10, 14, 19, and claims 20-28 line 4 which recite "a network" are not clear as to whether and how each of the network is related to the plurality of networks provided with one Internet protocol network of claim 1 lines 2-3. In claim 2 line 16-17 which recite "a connection" is not clear as to whether and how the connection is related to the connections of claim 1 line 5. In claim 3 line 13 which recite "voice signals" is not clear as to whether it is reciting ---the packet voice signals--- or ---the transmitted voice signals---. In claim 3 line 19 which recite "the Internet protocol packets" is not clear as to whether it is reciting ---the RTP header Internet protocol packets--- of claim 3 line 18. In claims 20-28 lines 5-6 which recite "a congested state" are

Art Unit: 2666

not clear as to whether they're reciting ---the state of congestion--- as in claim 2 lines 13-14.

***Claim Rejections - 35 USC § 102***

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 2, 5, 8, 11, 14, 17, 20, 23, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Farris et al.

Regarding claim 1:

Farris et al. disclose the Internet protocol network alternate routing system (col. 12 line 66 to col. 13 line 15) comprising an extension telephone, a plurality of networks provided with one Internet protocol network for transmitting voice signals from said extension telephone, and an exchange for controlling connections between said extension telephone and

Art Unit: 2666

said plurality of networks (col. 5 line 66 to col. 6 line 12 and col. 8 lines 57-67); wherein said exchange, upon detecting a state of congestion of said Internet protocol network (col. 11 lines 56-61), automatically switches a network that is connected with said extension telephone to a network other than said Internet protocol network (col. 13 lines 58-67).

Regarding claim 2:

Farris et al. disclose wherein said exchange comprises: a plurality of signal paths for connecting said plurality of networks with said extension telephone (col. 6 lines 13-27); an alternate routing control unit for determining a network that is to be connected with said extension telephone (col. 11 lines 56-61); a call control unit for establishing a link between a network that has been determined by said alternate routing control unit and said extension telephone (col. 14 lines 13-31); a traffic control unit for detecting a state of congestion of a network for which a link has been established by said call control unit (col. 14 line 57 to col. 15 line 4); and a switch control unit for controlling a connection between said extension telephone and a signal path among said plurality of signal paths that is connected to a network, based on detection results in said traffic control unit (col. 18 lines 54-60).

Regarding claim 5:

Art Unit: 2666

Farris et al. disclose wherein: said traffic control unit detects packet loss rate that is contained in a sender report packet that is transmitted from said Internet protocol network and notifies said call control unit that said packet loss rate has exceeded a predetermined set value if said packet loss rate exceeds the set value (col. 14 lines 1-12); and said call control unit is provided with a counter in which a count value is incremented with each notification from said traffic control unit that said packet loss rate has exceeded a set value, and [said call control unit] does not establish a link between said Internet protocol network and said extension telephone if the count value exceeds a predetermined set value (col. 14 lines 32-46).

Regarding claim 8:

Farris et al. disclose wherein the packet loss rate in said sender report packet is variable (col. 17 lines 48-56).

Regarding claims 11, 14, 17:

Farris et al. disclose wherein said switch control unit can be manually switched (col. 13 lines 58-67).

Regarding claims 20, 23, 26:

Farris et al. disclose an announcement trunk for reporting switching of said signal path to said extension telephone when a

Art Unit: 2666

network determined by said alternate routing control unit is in a congested state (col. 16 lines 1-16).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 3-4, 6-7, 9-10, 12-13, 15-16, 18-19, 21-22, 24-25, and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farris et al. in view of Fitzgerald.

Regarding claims 3-4, 6-7, 9-10, 12-13, 15-16, 18-19, 21-22, 24-25, and 27-28. Farris et al. disclose the Internet protocol network alternate routing system as described in paragraph 4 of this office action.

Regarding claims 6-7:

Farris et al. disclose wherein: said traffic control unit detects packet loss rate that is contained in a sender report packet that is transmitted from said Internet protocol network and notifies said call control unit that said packet loss rate has exceeded a predetermined set value if said packet loss rate



Art Unit: 2666

exceeds the set value (col. 14 lines 1-12); and said call control unit is provided with a counter in which a count value is incremented with each notification from said traffic control unit that said packet loss rate has exceeded a set value, and [said call control unit] does not establish a link between said Internet protocol network and said extension telephone if the count value exceeds a predetermined set value (col. 14 lines 32-46).

Regarding claims 9-10:

Farris et al. disclose wherein the packet loss rate in said sender report packet is variable (col. 17 lines 48-56).

Regarding claims 12-13, 15-16, 18-19:

Farris et al. disclose wherein said switch control unit can be manually switched (col. 13 lines 58-67).

Regarding claims 21-22, 24-25, 27-28:

Farris et al. disclose an announcement trunk for reporting switching of said signal path to said extension telephone when a network determined by said alternate routing control unit is in a congested state (col. 16 lines 1-16).

Regarding claim 3:

Farris et al. disclose all the subject matter of the claimed invention with the exception of a voice converter that converts the transmitted voice signals to packets and output

Art Unit: 2666

Internet protocol packets; and the RTP (Real-time Transport Protocol) unit for adding RTP headers to Internet protocol packets and transmitting on said Internet protocol network Internet protocol packets to which RTP headers have been added and that have been outputted from said RTP unit.

Regarding claim 4:

Farris et al. disclose all the subject matter of the claimed invention with the exception of removing the RTP headers and said voice converter converts Internet protocol packets that are outputted from said traffic control unit to voice signals, reconfigures converted voice signals, and transmits to said extension telephone by way of said switch control unit.

Fitzgerald from the same or similar fields of endeavor teach that it is known to provide a voice converter that converts the transmitted voice signals to packets and output Internet protocol packets (pages 1-2 paragraph 0017); and the RTP (Real-time Transport Protocol) unit for adding RTP headers to Internet protocol packets and transmitting on said Internet protocol network Internet protocol packets to which RTP headers have been added and that have been outputted from said RTP unit (page 2 paragraph 0027) as in claim 3. Further, Fitzgerald disclose removing the RTP headers (see Fig. 3 and page 2 paragraphs 0019-0020 and 0027) and said voice converter converts

Art Unit: 2666

Internet protocol packets that are outputted from said traffic control unit to voice signals, reconfigures converted voice signals, and transmits to said extension telephone by way of said switch control unit (pages 1 and 2 paragraph 0017) as in claim 4.

Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide the voice converter that converts the transmitted voice signals to packets and output Internet protocol packets; and the RTP (Real-time Transport Protocol) unit for adding RTP headers to Internet protocol packets and transmitting on said Internet protocol network Internet protocol packets to which RTP headers have been added and that have been outputted from said RTP unit; and removing the RTP headers and said voice converter converts Internet protocol packets that are outputted from said traffic control unit to voice signals, reconfigures converted voice signals, and transmits to said extension telephone by way of said switch control unit as taught by Fitzgerald in the Internet protocol network alternate routing system of Farris et al. The voice converter and RTP unit can be implemented by connecting the converter and RTP unit of Fitzgerald into the switching system of Farris et al. The motivation for using the voice converter and RTP unit as taught by Fitzgerald in the

Art Unit: 2666

communication system of Farris et al. being that it provides more efficiency of bandwidth usage during congested state since more frames are packed into each packet using the converter and RTP header.

**Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ford discloses an Internet calling system.

8. Any response to this nonfinal action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (2600 Receptionist at (703) 305-4750).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick Hom whose telephone number is (703) 305-4742. The examiner's

Art Unit: 2666

regular work schedule is Monday to Friday from 8:00 am to 5:30 pm EST and out of office on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao, can be reached at (703) 308-5463.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

  
DANG TON  
PRIMARY EXAMINER

SH

August 26, 2003